

**MEMO ENDORSED**

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*Adjourn conference to*  
*12/4/07 @ 10:00 AM*

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October 23, 2007

BY FACSIMILE

The Honorable Richard M. Berman  
 United States District Judge  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl St., Room 650  
 New York, NY 10007

SQ ORDERED:

Date: *10/24/07* *Richard M. Berman*  
**Richard M. Berman, U.S.D.J.**

Re: Great White Bear, LLC v. Mervyns, LLC (06 CV 13358)

Dear Judge Berman:

We represent Defendant Mervyn's LLC in the above-referenced matter. Please allow this letter to confirm the request made by counsel for both parties in the above-referenced matter today by phone for an adjournment of the settlement conference, currently scheduled for October 25, 2007, to December 4, 2007 at 10:00 a.m.

This matter was referred to the Honorable Frank Maas for general pretrial matters, including discovery, on June 28, 2007. On Monday, October 22, 2007, the parties participated in a telephone conference before Magistrate Judge Maas at which Magistrate Judge Maas extended the fact discovery deadline to November 28, 2007. Magistrate Judge Maas also scheduled a status conference for November 27, 2007. The parties believe that a settlement conference would be most effective after the close of discovery and therefore respectfully request the adjournment of that conference to December 4, 2007.

Respectfully submitted,

*Lisa T. Simpson*  
 Lisa T. Simpson

cc: Philip A. Byler, Esq. (By Facsimile and E-Mail)  
 Counsel for Great White Bear, LLC

